

DOCKET NO: NNH-CV20-6109292-S : SUPERIOR COURT
FRIENDS OF KENSINGTON PLAYGROUND,
ET AL : J.D. OF NEW HAVEN
VS. : AT NEW HAVEN
CITY OF NEW HAVEN : FEBRUARY 26, 2021

MOTION TO DISMISS

The Defendant, CITY OF NEW HAVEN (hereinafter, the “City”), respectfully moves this Court to dismiss the First Count of the Complaint, filed November 13, 2020, because the Plaintiffs do not have standing and as such, the Court lacks subject matter jurisdiction.

As is more fully set forth in the Memorandum of Law in Support of the Motion, contemporaneously filed herewith, Plaintiff Wallace does not have an interest, title or right in the controversy and, therefore, does not have standing to bring this action. Plaintiff, Friends of Kensington Park, does not have associational standing as none of its members have an interest, title or right in the controversy. In addition, Plaintiffs do not have standing pursuant to C.G.S. § 22a-19a, as they allege, because the Property at issue is not a historic structure or landmark as defined by the statute. Finally, C.G.S. § 7-131n has no application here as the City owns the property in question and, as such, there is no “taking” of land. Furthermore, C.G.S. § 7-131n does not provide a private cause of action. Accordingly, the First Count of the Complaint should be dismissed.

WHEREFORE, for the foregoing reasons and those set forth in the Memorandum of Law in Support, the First Count of the Complaint should be dismissed.

THE DEFENDANT,

CITY OF NEW HAVEN

By /s/ 302180

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CERTIFICATION

I hereby certify that a copy of the above was mailed or electronically delivered today to all counsel and pro se parties of record and that written consent for electronic delivery was received from all counsel and pro se parties of record who were electronically served.

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